

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEJANDRO CABRAL GABRIEL,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER, et
al.,

Defendants.

Case No.: 2:25-cv-00595-GMN-BNW

ORDER

On March 31, 2025, Plaintiff Alejandro Cabral Gabriel submitted a civil-rights complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The Court cannot consider the complaint because it is not personally signed by Plaintiff. Additionally, Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not sign the third page of the application and Plaintiff failed to submit a completed financial certificate and inmate trust fund account statement for the previous six-month period with it. Plaintiff must correct these defects to proceed with this action.

I. DISCUSSION

A. Plaintiff must file a signed amended complaint.

"A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. "A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this Court or must be legible and contain substantially all the information called for by the Court's form." Nev. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

The Court cannot consider the complaint because Plaintiff did not personally sign it. ECF No. 1-1 at 6. Because an amended complaint replaces an earlier-filed complaint, *see Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1989), Plaintiff cannot correct this defect by merely filing a signature page. Rather, Plaintiff must file a signed amended complaint. Additionally, Clark County Detention Center is the only named defendant in the complaint, but Plaintiff is advised that he cannot sue the facility because it is merely a building,

not a person or entity that can sue or be sued. Plaintiff should file the amended complaint on this Court's approved form, it must be personally signed by Plaintiff and titled "First Amended Complaint." Plaintiff must identify the individuals or entities responsible for the alleged constitutional violation—even if he does not know their true names—and he must allege facts sufficient to show what each defendant did to violate his rights.

B. Plaintiff must pay the filing fee or apply for *in forma pauperis* status.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

II. CONCLUSION

It is therefore ordered that the incomplete application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

It is further ordered that Plaintiff has **until May 9, 2025**, to either pay the full \$405 filing fee or file (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

It is further ordered that Plaintiff has **until May 9, 2025**, to file a signed amended complaint on this Court's approved form.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
3 refile the case with the Court, under a new case number, when Plaintiff can file a complete
4 application to proceed *in forma pauperis* or pay the required filing fee.

5 The Clerk of the Court is directed to send Plaintiff the approved form for filing a 42 U.S.C.
6 § 1983 complaint with instructions and the approved form application to proceed *in forma*
7 *pauperis* for an inmate with instructions.

8 The Clerk of the Court is further directed to update the “Date Filed” on the docket to March
9 31, 2025.

10 DATED: April 9, 2025

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UNITED STATES MAGISTRATE JUDGE
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